

HB38HUNC

1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF NEW YORK

3 UNITED STATES OF AMERICA,

4 v.

13 Cr. 521 (RA)

5 JOSEPH MANUEL HUNTER,

6 Defendant.

7 -----x
8 November 3, 2017
9 4:10 p.m.

10 Before:

11 HON. RONNIE ABRAMS,

District Judge

12 APPEARANCES

13 JOON H. KIM
14 Acting United States Attorney for the
15 Southern District of New York

PATRICK EGAN
Assistant United States Attorney

16 MARLON G. KIRTON
17 Attorney for Defendant

18 CESAR DE CASTRO
19 CJA Attorney
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HB38HUNC

1 (Case called)

2 THE DEPUTY CLERK: Counsel, please state name for the
3 record.

4 MR. EGAN: Patrick Egan for the government. Good
5 afternoon, your Honor.

6 THE COURT: Good afternoon.

7 MR. KIRTON: Marlon Kirton for Mr. Hunter. Good
8 afternoon, your Honor.

9 THE COURT: Good afternoon to both of you.

10 Mr. de Castro, hi, how are you?

11 MR. DE CASTRO: Very well.

12 THE COURT: We are here, Mr. Hunter, to discuss
13 whether new counsel should be appointed to represent you. I
14 have another representative, Mr. de Castro, who is on the
15 Criminal Justice Act panel. I am happy to give you time to
16 meet with him. Have you had time to meet?

17 THE DEFENDANT: Yes, your Honor.

18 THE COURT: You have had time to meet?

19 THE DEFENDANT: Yes, your Honor.

20 THE COURT: What I was going to say is, if you needed
21 a little more time, I will give you a little more time. As I
22 have said, I am not going to adjourn the April 2nd trial date.
23 We can talk about the motion schedule. I am not going to
24 adjourn the trial date because I think that five months is a
25 sufficient period of time to prepare for this trial. But if

HB38HUNC

1 you feel like your relationship with Mr. Kirton has broken down
2 to such an extent that you don't want him to represent you, I
3 am willing to appoint Mr. de Castro to represent you. I may
4 ask Mr. Kirton to get him up to speed, and I will continue to
5 pay CJA funds for him to do that, if that's what you would like
6 to do. However, if you think things have not broken down to
7 such a degree with Mr. Kirton, and recognition of his
8 familiarity with this case, you want him to represent you, I am
9 happy for him to stay on as well.

10 So I am giving you that choice and that opportunity,
11 but I am keeping the date, and so I want you to make this
12 decision now so it doesn't hold things up.

13 THE DEFENDANT: I would like for you to appoint Mr. de
14 Castro.

15 THE COURT: OK.

16 So Mr. de Castro, I want to make sure you are familiar
17 with the schedule. We have an April 2nd trial date. We have a
18 motion schedule set for mid-February. Mr. Kirton wrote me a
19 letter today about the motion schedule. I might be able to
20 move that a little bit. I'd rather not because we have a lot
21 of other things to do prior to trial, but I am happy to hear
22 you out on that.

23 Mr. Kirton, what are your thoughts on what would make
24 sense for you to get Mr. de Castro up to speed. As I have
25 said, I am happy to pay you out of the CJA funds for your time

HB38HUNC

1 to get him up to speed. I don't know exactly how that works so
2 I want to hear you out.

3 MR. KIRTON: We had a phone conversation today. We
4 have also met in the court. We have made arrangements for us
5 to meet ostensibly on this case, for me to turn over the file,
6 for me to consult with him about anything that he wants to know
7 about the case.

8 THE COURT: Well, thank you for that, and thank you
9 for your time. I appreciate that.

10 Mr. Hunter, if you're sure about this, I am going to
11 relieve Mr. Kirton with my thanks. I am going to appoint Mr.
12 de Castro to represent you.

13 Mr. de Castro, do you work with anyone else? I know I
14 have appointed Ms. Ferrone to assist Mr. Kirton.

15 MR. de CASTRO: I do have someone that I usually have
16 appointed to work with me on my cases. I understand that Ms.
17 Ferrone has been working on the case. I have known Ms. Ferrone
18 for quite some time as well, and they have developed a
19 relationship. I think before I know more and sit down with Mr.
20 Kirton and Ms. Ferrone, I may be submitting a request for the
21 appointment definitely of my paralegal that works with me on
22 many cases.

23 THE COURT: So why don't you take the time you need to
24 do that. I just wanted to make sure you are familiar with the
25 situation that we are in right now.

HB38HUNC

1 MR. de CASTRO: I am aware of that situation. I did
2 look at the docket. I looked at the schedule. I looked at my
3 schedule that I can do it. And I saw Mr. Kirton's letter
4 requesting the February motions. It doesn't seem to me, based
5 on my conversations -- I have obviously a limited knowledge of
6 the case, but I can satisfy those deadlines.

7 THE COURT: As I said, I want to keep this date. I
8 fully anticipate keeping this date. With the motion schedule I
9 can be a little more flexible if there is a real problem, but
10 just let me know that, and for now we will adhere to the
11 schedule that I have set.

12 Is there anything else we need to discuss today?

13 My deputy was just asking if there is a need to have
14 Mr. Hunter fill out another financial affidavit. I don't
15 anticipate that things have changed for him. So I don't know
16 if there is a need to do that.

17 Mr. Hunter, let me just ask you this. Has your
18 financial status changed in any way since the time that you
19 swore to the last financial affidavit?

20 THE DEFENDANT: Not mine, personally. I am married,
21 your Honor. My wife has received a promotion. I don't know if
22 that affects it. But my finances haven't changed.

23 THE COURT: Mr. Egan, do you think there is a need to
24 fill out another financial affidavit?

25 MR. EGAN: I don't think so, your Honor.

HB38HUNC

1 THE COURT: So I am going to just sign this order
2 substituting Mr. de Castro for Mr. Kirton.

3 Is there anything else we need to discuss today?

4 MR. EGAN: Not from the government.

5 MR. KIRTON: No, your Honor.

6 THE COURT: Thanks very much.

7 Have a good weekend.

8 (Adjourned)

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